

2. The Amended Complaint includes allegations against Defendant Officer Does 1-50 (“Officer Does”), who are current or former uniformed members of the Richmond Police Department being sued in their individual capacities. The Plaintiffs are currently unaware of the names and identities of Officer Does 1- 50. Generally, however, they may consist of the following persons:

a. Any officer, employee or agent of the Richmond Police Department who verbally and physically assaulted, intimidated (in person or on-line), detained, conducted unlawful searches, withheld or destroyed property belonging to Plaintiffs, deployed less lethal ammunition and chemical weapons, unlawfully arrested and/or threatened the constitutional protections of Plaintiffs at the following times and places: i. May 31, 2020, from approximately 8:00 p.m. until 10:30 p.m. in the areas between the former Robert E. Lee monument (“Lee Circle”) and 12th Street and Broad Streets. ii. June 1, 2020, from approximately 1:45 a.m. until 3:00 a.m. near the intersections of Madison Street and West Broad Streets, south of North Belvidere Street; iii. June 14-15, 2020, between 9:30 p.m. and 3:00 a.m. at the Richmond Police Department headquarters at 200 West Grace Street and the adjacent sidewalks and parking lots; iv. June 15-16, 2020, between 10:00 p.m. and 11:00 p.m. on North Jefferson Street near the Richmond Police Department headquarters; v. June 21, 2020, between 10:00 p.m. and 11:00 p.m. at and around the intersection of Monument Avenue and North Lombardy Streets at the J.E.B. Stuart Monument (“Stuart Circle”); vi. June 26-27, 2020, from approximately 10:00 p.m. until 3:00 a.m. in the Whole Foods Parking lot located at 2024 West Broad Street, Richmond and the adjacent Rear Parking Lot; vii. June 27, 2020, between 12:00 a.m. and 4:00 a.m. near the intersection of Monument and Park Avenues near the Community Church of Christ; viii. July 25-26, 2020, between 9:00 p.m. and 11:00 p.m. at or around Monroe Park, and between 11:00 p.m. and 12:00 a.m. near the Richmond

Police Department headquarters and adjacent parking lots and sidewalks; ix. July 26, 2020, between approximately 9:00 p.m. and 1:00 a.m. on July 27, 2020 at the western edge of Monroe Park at North Laurel Street at Sacred Heart Cathedral; x. August 16, 2020, between approximately 9:00 p.m. and 10:45 p.m., beginning at the southwest corner of West Broad and North Belvidere Streets and continuing south on North Belvidere and towards the corner of West Franklin and North Belvidere Streets, then west towards the Fan; xi. August 18, 2020, between 2:00 p.m. and 4:00 p.m. along Broad Street following the path by demonstrators from downtown to the Science Museum; xii. August 20, 2020, between 10:00 p.m. and 11:50 p.m. at and around 217 West Clay Street; xiii. September 14, 2020, along the path by demonstrators from Martin Luther King Middle School on Mosby Street to City Hall; xiv. September 26, 2020, between midnight and 1:45 a.m. at and around Richmond Police Department headquarters; xv. September 28, 2020, at the Circle on Monument Avenue from approximately 2:30 p.m. until 4:00 p.m.; xvi. October 17, 2020, between 11:30 a.m. and 2:15 p.m. at the intersection of 8th and Grace Streets towards Richmond Police Department headquarters, and later that afternoon (2:15 p.m.) along Park Avenue; xvii. October 27, 2020, between 8:45 p.m. and 10:45 p.m. at or around Monroe Park; xviii. November 7, 2020, between 12:00 p.m. and 2:30 p.m. at and around the Virginia State Capital; xix. November 12, 2020, between 8:30 p.m. and 9:30 p.m. at the “Stop the Steal” rally; and xx. June 16, 2021, at the “Protest for Palestine” held at Scuffletown Park on Strawberry Street towards Circle on Monument Avenue; and

b. Any officer, employee or agent of the Richmond Police Department who knew or should have known that their fellow officers were violating, or were intending to violate, the constitutional rights of the individuals described herein, had reasonable opportunity to prevent the harm, and chose not to prevent the harm.

3. Defendants Supervisor Does 1-20 (“Supervisor Does”) are current and former uniformed members of the Richmond Police Department acting in a supervisory role being sued in their individual capacities. The Plaintiffs are currently unaware of the names and identities of Supervisor Does 1-20. Generally, however, Supervisors Doe 1-20 may consist of any Richmond Police Department officer serving in a supervisory role during the times and at the places identified in paragraph 2(a)-(b).

4. Pursuant to the Court’s Scheduling Order [ECF No. 183], the parties have until October 18, 2022 to file motions for joinder of additional parties or amendment of pleadings.

5. This deadline needs to be amended to permit Plaintiffs sufficient time to amend their Amended Complaint to name the Officer Does and Supervisor Does. Good cause exists for this requested extension because Plaintiffs do not know the specific identities of the Doe Defendants and need time to receive and review discovery from Defendants and third parties to identify and name the appropriate Doe Defendants.

6. Discovery has now been issued by all parties. Counsel for the Plaintiffs and Defendant City of Richmond (the “City”) have conferred and the City has agreed to provide information in its possession about law enforcement officers involved in the events at issue, but cannot provided a date certain until approximately October 20, 2022. Counsel for the City represents that it will provide officer body-worn camera footage and an inventory of the officers present by October 21, 2022. Even after receiving the names of individual law enforcement officers, Plaintiffs will need some time in discovery to determine which of the officers identified should be named as Defendants in this action.

7. Despite not having supplied the information necessary for Plaintiffs to evaluate whether Officer and Supervisor Does should be added, Defendants do not consent to an extension of the deadline to add new parties.

8. For the above reasons, the Plaintiffs respectfully submit that there is good cause for extending the deadline for Plaintiffs to file motions for joinder of additional parties/amend the pleadings.

9. In light of the foregoing, Plaintiffs respectfully request that the Court grant this Motion for Extension of Time for a period of at least sixty (60) days from the date on which Defendants have provided discovery responses sufficient to identify Officer and Supervisor Does.

WHEREFORE, the Plaintiffs respectfully request that the Court grant an extension of time to file any motions for joinder of additional parties/amend the pleadings and award any additional relief the Court deems just and appropriate.

Dated: October 18, 2022

Respectfully submitted,

/s/ Terry C. Frank

Terry C. Frank, Esq. (VSB No. 74890)

Terry Frank Law

108 E. Grace Street, Suite 001

Richmond, VA 23219

Phone: (804) 899.8090

Fax: (804) 899.8229

E-mail: terry@terryfranklaw.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October 2022, I served the following via electronic mail (by agreement of counsel).

Steven D. Brown, Esq.
Lindsey A. Strachan, Esq.
Whitney E. Nelson, Esq.
IslerDare, PC
1111 East Main Street, Suite 1605
Richmond, VA 23219
sbrown@islerdare.com
lstrachan@islerdare.com
wnelson@islerdare.com
Counsel for Defendants William C. Smith and William Blackwell

Mark C. Nanavati, Esq. (VSB #38709)
G. Christopher Jones, Jr., Esq. (VSB #82260)
Benjamin F. Dill, Esq. (VSB #93000)
Sinnott, Nuckols & Logan, PC
13811 Village Mill Drive
Midlothian, VA 23114
mnnavati@snllaw.com
cjones@snllaw.com
bdill@snllaw.com
Counsel for Defendant Gerald M. Smith

Wirt P. Marks, Esq. (VSB #36770)
Senior Assistant City Attorney
Zachary P. Grubaugh, Esq. (VSB #83944)
Assistant City Attorney
City Hall, Room 400
900 East Broad Street
Richmond, VA 23219
wirt.marks@richmondgov.com
Zachary.Grubaugh@rva.gov
Counsel for Defendant City of Richmond

Blaire H. O'Brien (VSB #83961)
David P. Corrigan (VSB #26341)
M. Scott Fisher, Jr., (VSB #78485)
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, VA 23255
bobrien@hccw.com

dcorrigan@hccw.com

sfisher@hccw.com

Counsel for Defendants, Jon Bridges, Thomas W. Lloyd, Jakob A. Torres, Benjamin J. Frazer, Brenda Ruiz-Oyler, April M. Dixon, Patrick Digirolamo, Paul D. Campbell, Junius Thorpe, Nico Young, John Beazley, Tyler Craig, Frank Scarpa, Duane Peppel, Khalid Harris, Ben Malone, Keegan Mills, Dario Buraliev, Dominic Colombo, Dan Bondy, Jason Kuti, Kate Leone, and Steve Rawlings

William W. Tunner (VSB # 38358)

Peter S. Askin (VSB # 93371)

ThompsonMcMullan, P.C.

100 Shockoe Slip, Third Floor

Richmond, Virginia 23219

Telephone: (804) 649-7545

Facsimile: (804) 780-1813

wtunner@t-mlaw.com

paskin@t-mlaw.com

Counsel for Defendant Gleason

/s/ Terry C. Frank

Terry C. Frank, Esq. (VSB No. 74890)

Terry Frank Law

108 E. Grace Street, Suite 001

Richmond, VA 23219

Phone: (804) 899.8090

Fax: (804) 899.8229

E-mail: terry@terryfranklaw.com

Counsel for Plaintiffs